



## **APPROVED MINUTES**

### **SUNNYVALE PLANNING COMMISSION**

The Planning Commission met in regular session in the Council Chambers, City of Sunnyvale, 456 W. Olive Avenue, Sunnyvale, CA on **April 24, 2006** at 8:00 p.m. with Chair Hungerford presiding over the meeting.

#### **ROLL CALL**

Members Present: Chair Charles Hungerford; Commissioner Laura Babcock; Commissioner David Simons; Commissioner Larry Klein; and Commissioner Brandon Sulser

Members Absent: Vice Chair Fussell, excused absence

Staff Present: Trudi Ryan, Planning Officer; Rebecca Moon, Assistant City Attorney; Kelly Diekmann, Associate Planner; Steve Lynch, Associate Planner; Jamie McLeod, Associate Planner; and Debbie Gorman, Recording Secretary

#### **SCHEDULED PRESENTATION**

None

#### **PUBLIC ANNOUNCEMENTS**

#### **CITIZENS TO BE HEARD**

**APPROVAL OF MINUTES of April 10, 2006.**

<p><b>ACTION:</b> Comm. Sulser made a motion to approve the minutes of the Planning Commission meeting of April 10, 2006 as amended. Comm. Klein seconded. Motion carried, 4-0-1, Comm. Simons abstaining, Vice Chair Fussell absent.</p>
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## **PUBLIC HEARINGS/GENERAL BUSINESS**

1. **2006-0153 – Classic Communities** [Applicant] **Batton Associates, LLC** [Owner]: Application for related proposals on a 1.3-acre site located at **1049 Kiel Court** (near Weddell Dr) in an M-S/ITR/R-3/PD (Industrial & Service/Industrial to Residential/ Medium-Density Residential/ Planned Development) Zoning District. (APN: 110-14-144) KD;  
(Continued from April 10, 2006) **(Applicant requests continuance to May 8, 2006)**

- Special Development Permit to allow 30 stacked flats and 4 townhouse units totaling 34 units on a 1.3 acre site,
- Parcel Map to subdivide one lot for condominium units and one common area.

**ACTION: Comm. Klein made a motion on 2006-0153 to continue this item to May 8, 2006. Comm. Sulser seconded. Motion carried unanimously, 5-0, Vice Chair Fussell absent.**

**APPEAL OPTIONS: This item is continued to May 8, 2006.**

2. **2006-0087 – Appeal** of a decision of the Administrative Hearing Officer for an application for a Variance on a 6,211 square-foot site from Sunnyvale Municipal Code section 19.34.040 to allow a six-foot setback where nine feet is required. The property is located at **734 Ashbourne Dr** (near E Fremont Ave) in an R-0 (Low-Density Residential) Zoning District. (APN: 309-06-016) SL **(Continued from April 10, 2006)**

**ACTION: Comm. Babcock made a motion on 2006-0087 to deny the appeal and uphold the decision of the Administrative Hearing Officer to deny the Variance. Comm. Simons seconded. Motion carried unanimously, 5-0, Vice Chair Fussell absent.**

**APPEAL OPTIONS: This item is appealable to City Council no later than May 9, 2006.**

3. **2006-0276 – Application** for a Special Development Permit on a 3,384 square foot site to allow a 176 square foot one story addition to a 1,881 square foot home resulting in 60.7% Floor Area Ratio where 45% may be allowed without Planning Commission review. The property is located at **533 Anacapa Terrace** (near Morse Ave) in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District. (APN: 204-16-088) KD  
**(Continued from April 10, 2006)**

**ACTION: Comm. Klein made a motion on 2006-0276 to approve the Special Development Permit with the modified conditions: to modify Condition of Approval (COA) 1.D adding the wording “with a color and texture similar to the existing home”; to add COA 1.F “The height of the sunroom shall not exceed 10 feet”; to add COA 1.G “The applicant is to work with staff on the appropriate roof color to fit in with the surrounding community.” Comm. Sulser seconded. Motion carried unanimously, 5-0, Vice Chair Fussell absent.**

**APPEAL OPTIONS: This item is appealable to City Council no later than May 9, 2006.**

4. **2006-0159** – Application for a Variance from Sunnyvale Municipal Code section 19.34.030 to allow for a 252 square foot accessory utility building with a one foot six inch side yard setback where six feet is required and a one foot six inch rear yard setback where ten feet is required. The property is located at **1349 Cordilleras Avenue** (near W Fremont Ave) in an R-1 (Low-Density Residential) Zoning District. (APN: 323-07-046) RK

**ACTION: Comm. Babcock made a motion on 2006-0159 to deny the Variance. Comm. Klein seconded. Motion carried unanimously, 5-0, Vice Chair Fussell absent.**

**APPEAL OPTIONS: This item is appealable to City Council no later that May 9, 2006.**

5. **2004-0167 – City of Sunnyvale – Study Issue - Zoning Tools to Encourage the Development of Ownership Housing JM**

**ACTION: Comm. Simons made a motion on 2005-0167 to propose policy, tools and Title 19 amendments as follows:**

**1. This Alternative contains 3 parts (policy, tools and Title 19 amendments):**

- A. Adopt attached policy (Attachment K) to “strive to achieve an equal balance of *owner-occupied units and renter-occupied units* in the community,” which should be incorporated into the Land Use and Transportation Element of the General Plan in its next revision;
- B. Approve of staff preparation of user friendly tools for property owners considering conversions (Tool: listed as item “cc” in the body of the report in one of the table of alternatives.); and,
- C. Introduce the attached Ordinance (Attachment I) amending Title 19 of the Municipal Code to make the following modifications (which implement, in some form, 15 of the 45 tools):
  - i. Eliminate **minimum lot size and minimum lot width** in multi-family zoning districts provided overall density is consistent with the zoning district. (Tools: b. c. h. i.)
  - ii. Eliminate requirement for **lot frontage on a public street** provided the subdivision has public street frontage and the private drive or private streets are designated on subdivision map and front on a public street. (Tools: d. j.)
  - iii. Reduce interior setbacks for single-family detached and townhome style developments: (Tool: f.)
    - 1. minimum **front yard setback** of 12 feet on private drives or private streets
    - 2. minimum interior **side yard setback** of 4 feet with a total interior side yard of 10 feet
  - iv. Increase the **height limit** of townhome developments in the R-3 zoning

district to 3 stories and 35 feet. (Tool: k.)

- v. Modify the R-2 and R-3 zoning districts **height limit** adjacent to single-story single-family homes and, regardless of the height of the adjacent structure, allow up to *30 feet height (2-stories) within 75 feet of the property line*: (Tool: l.)

1. *[removed and incorporated in v.]*

2. *[removed]*

3. *[removed and incorporated in v.]*

4. *[removed]*

- vi. Eliminate porches from calculation of **Floor Area Ratio** for residential development. (Tool: e.)

- vii. Allow the **lockable storage** requirement to be met by providing a two-car garage. (Tool: m.)

viii. *[removed]*

- ix. Remove the **vacancy restriction** for condominium conversions provided:

1. *No more than 175 units per 12-month period may be converted* (Tool: ee.)

2. *A conversion may be approved in excess of 175 units in a year upon a Finding the “the conversion will not adversely impact the community’s ability to provide housing for all economic segments of the community and will consider the annual vacancy rate in making the Finding.”* (Tool: hh.)

3. Increase the BMR requirement to 15% and require conversion of 5 or more units to provide Below Market Rate Units. (Tool: ff.)

4. *Vacancy rate data is collected at least once per year.*

**Comm. Babcock seconded. Motion carried unanimously, 5-0, Vice Chair Fussell absent.**

**APPEAL OPTIONS: This item is to be heard by City Council on May 9, 2006.**

## **6. Planning Commission Attendance at City Council Meetings**

**No motion was made.**

## **NON-AGENDA ITEMS AND COMMENTS**

- **COMMISSIONERS ORAL COMMENTS**

**Comm. Simons** commented he was away this past month and noticed on his return that several trees were removed in his neighborhood. He did check on the removals and applications were made and approved by the City. He said he is

concerned whether the intent of the new tree ordinance is working as it seems that mature large scale trees are being removed and to meet the requirements of the tree removal requests, some of the less desirable tree types are remaining in lieu of the large scale trees.

- **STAFF ORAL COMMENTS**

**City Council Meeting Report**

**Ms. Ryan** reported that on April 11, 2006 the City Council met and considered a request to initiate a General Plan Amendment Study to change the land use designation for 740, 750 and 760 San Aleso Avenue from Industrial to Low Medium Density Residential. She said this item was not previously reviewed by the Planning Commission. The Council chose to initiate a study including a larger area than originally requested and directed that staff accept an application. She said the staff suggested the study should not be done. An application has now been submitted and staff is beginning notification of the property owners. Ms. Ryan said several General Plan Amendments Studies have recently been approved.

**Ms. Ryan** reported that the interviews for the Planning Commission were scheduled for April 11, but were cancelled due to illness. The interviews should be rescheduled sometime in May. Ms. Ryan said it will probably be July before the Planning Commission seats are completely filled.

**Other Staff Oral Report**

**Rebecca Moon**, Assistant City Attorney, announced that the Office of the City Attorney has hired a new Senior Assistant City Attorney named Kathy Berry. She comes from the County of Santa Clara and brings over 20 years legal experience. Ms. Berry will be the City Attorney supporting the Planning Commission. Ms. Moon said she has enjoyed working with the Planning Commission. Chair Hungerford thanked Ms. Moon for her legal support during this interim time.

**INFORMATION ONLY ITEMS**

**ADJOURNMENT**

With no further business, the Commission meeting was adjourned at 11:00 p.m.

Respectfully submitted,

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Trudi Ryan  
Planning Officer